

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

DERWIN T. GRIGGS,)	
#198159)	
Plaintiff,)	
V.)	CIVIL ACTION NO. 3:07-cv-691-MHT
MAJOR CLAY STEWART, et al.,)	
Defendants.)	

DEFENDANTS' MOTION FOR EXTENSION OF TIME

COME NOW Chambers County, Alabama Detention Center Officers, Chief Jail Administrator Major Clay Stewart, Captain Thomas Simms, Lieutenant LaKesha McCoy, and Sergeant Felton Spradlin,¹ Defendants in the above styled cause, and move this Honorable Court for an extension of time of fourteen (14) days in which to file Defendants' Special Report. In support of this motion, Defendants show unto the Court the following:

1. On August 16, 2007, this Court entered an Order directing the Defendants to file a Special Report on or before September 25, 2007.
2. As ordered by this Court, the attorney for Defendants has been unsuccessful in conferring with the Plaintiff before the filing of the Special Report, because Plaintiff is located in a state prison.
3. The gathering of information with which to formulate the Special Report has taken longer than expected, said attorney has been unable to obtain all the affidavits and evidence from the defendants and witnesses at the Chambers County Detention Center to be used in support of the Special Report.

¹ Plaintiff lists as a Defendant Sgt. Tommy Spradlin, aka Felton Spradlin.

4. Defendants are in need of this additional time to respond and to fully comply with this Court's Order in preparing the Special Report.

5. Defendants have not previously requested an extension of time in this case.

6. Plaintiff will not be prejudiced by the requested extension.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request this Honorable Court grant their Motion for Extension of Time to file their Special Report up to and including October 9, 2007.

Respectfully submitted this 20th day of September, 2007.

s/Winthrop E. Johnson
WINTHROP E. JOHNSON, Bar No. JOH086
Attorney for Defendants
WEBB & ELEY, P.C.
7475 Halcyon Pointe Drive (36117)
Post Office Box 240909
Montgomery, Alabama 36124
Telephone: (334) 262-1850
Fax: (334) 262-1889
E-mail: wjohnson@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 20th day of September, 2007, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Derwin T. Griggs, #198159
Elmore Correctional Facility
P.O. Box 8
Elmore, AL 36025

s/Winthrop E. Johnson